

Message Text

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ORIGIN EB-11

INFO OCT-01 ARA-16 EUR-25 NEA-10 IO-14 ISO-00 AGR-20

CEA-02 CIAE-00 COME-00 DODE-00 FRB-02 H-03 INR-10

INT-08 L-03 LAB-06 NSAE-00 NSC-07 PA-04 RSC-01 AID-20

CIEP-02 SS-20 STR-08 TAR-02 TRSE-00 USIA-15 PRS-01

SPC-03 FEA-02 OMB-01 OIC-04 SWF-02 AF-10 EA-11 /244 R

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STATE: R.PRICKETT

TREASURY: W.BARREDA

----- 015873

P R 192115Z MAR 74

FM SECSTATE WASHDC

TO USMISSION GENEVA PRIORITY

INFO AMEMBASSY BUCHAREST

AMEMBASSY BOGOTA

AMEMBASSY ANKARA

AMEMBASSY BRASILIA

AMEMBASSY NEW DELHI

AMEMBASSY BEIRUT

USMISSION EC BRUSSELS

AMEMBASSY OSLO

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E.O. 11652: N/A

TAGS: ETRD, GATT, CO, TU, NO

SUBJECT: GATT COUNCIL, MARCH 28

REFERENCES (A) GENEVA 1309; (B) STATE 16722;

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(C) STATE 44124; (D) GENEVA 1721

1. FOLLOWING INSTRUCTIONS KEYED TO AGENDA PROVIDED REFTEL(A)

2. ROMANIAN CUSTOMS TARIFF. MISSION MAY WISH PRIVATELY TO INFORM EC OFFICIALS THAT WE WELCOME PROSPECT OF GATT EXAMINATION OF ROMANIAN TARIFF REGIME. WE WOULD BE PARTICULARLY CONCERNED IF TARIFFS NOT APPLICABLE TO OTHER EAST EUROPEAN COUNTRIES. US REP SHOULD IF POSSIBLE AVOID TAKING FLOOR AND SHOULD ACCEPT PROCEDURES WORKED OUT BY OTHER CP'S. IF WP ESTABLISHED, US SHOULD PARTICIPATE.

3. EC-NORWAY WP REPORT. US REP MAY JOIN IN APPROVING ADOPTION OF WP REPORT. IN KEEPING WITH US POSITION ON OTHER EC/EFTA WP REPORTS, HE MAY AT HIS DISCRETION NOTE THAT SEVERAL WP MEMBERS, INCLUDING US, FOUND SOME ASPECTS OF THE AGREEMENT INCONSISTENT WITH PROVISIONS OF THE GATT AND THAT THESE VIEWS ARE SET FORTH IN THE WP REPORT. HE MAY FURTHER INDICATE SPECIAL US CONCERN RE RULES OF ORIGIN, NOTING THAT WE HAVE REQUESTED CONSULTATIONS CONCERNING THESE RULES UNDER ARTICLE XXII.

4. EC-TURKEY. US REP MAY ACCEPT ROUTINE CREATION OF WP WITHOUT COMMENT IF JAPANESE AND CANADIAN REQUEST NOT WITHDRAWN. IN EVENT OF COUNCIL DEBATE, US REP SHOULD GIVE LOW KEY SUPPORT TO CANADIAN/JAPANESE REQUEST. IF REQUEST FOR WP IS WITHDRAWN, US REP MAY CONTINUE TO BE GUIDED BY PARAGRAPH 4 OF REFTEL (B).

5. PROVISIONAL ACCESSION OF COLOMBIA. US REP MAY WELCOME RENEWED COLOMBIAN INTEREST IN GATT ACCESSION AND IS AUTHORIZED TO SUPPORT REACTIVATION OF WP AT DATE NO EARLIER THAN ONE MONTH AFTER RECEIPT OF MEMORANDUM ON COLOMBIAN FOREIGN TRADE REGIME.

6. YUGOSLAV WAIVER FOR 26 LEAST DEVELOPED. INSTRUCTIONS SENT REFTEL (C).

7. EC-LEBANON. US REP SHOULD SUPPORT FORMATION OF WP WITH STANDARD TERMS OF REFERENCE AND INCLUDING US MEMBERSHIP.

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8. BRAZILIAN REQUEST FOR ARTICLE XXVIII WAIVER EXTENSION. US REP IS AUTHORIZED TO SUPPORT BRAZILIAN REQUEST.

9. INDIA WAIVER FOR AUXILIARY CUSTOMS DUTY. WE HAD HOPED INDIA WOULD USE EXISTING WAIVER PERIOD TO DEVELOP SCHEDULE FOR REDUCTION AND ELIMINATION OF AUXILIARY DUTIES. SINCE THIS HAS NOT BEEN THE CASE, MISSION SHOULD TAKE OPPORTUNITY OF GOI REQUEST FOR ONE-YEAR EXTENSION TO SEEK COMMITMENT

THAT ANY EXTENDED WAIVER PERIOD WILL INDEED BE USED FOR COMPLETE PHASING-OUT OF THESE DUTIES. WITH ASSURANCES TO THIS EFFECT, WE WOULD BE WILLING TO SUPPORT CONTINUATION OF WAIVER FOR ONE YEAR.

10. ADDITIONALLY, MISSION IS REQUESTED TO SEEK CLEAR ENUNCIATION OF EXCEPTIONAL CIRCUMSTANCES, AS ENVISAGED IN ARTICLE XXV:5, WHICH HAVE MADE CONTINUED IMPOSITION OF AUXILIARY DUTIES NECESSARY. TO OUR KNOWLEDGE NO SUCH STATEMENT HAS YET BEEN MADE -- NEITHER OCTOBER 1973 DRAFT COUNCIL DECISION (C/W/225) NOR GATT DOCUMENTS RELATING TO INITIAL GOI WAIVER REQUEST (L/3934 AND L/3874) PROVIDE THIS INFORMATION.

11. FINALLY, MISSION SHOULD, AS APPROPRIATE, MAKE US POSITION KNOWN TO INDIAN REP AND SOUND OUT OTHER DELEGATIONS TO ASCERTAIN EXTENT OF THEIR SUPPORT. IN ABSENCE EITHER GOI AGREEMENT ON PHASING OUT AUXILIARY DUTIES OR PROVISION OF CLEAR AND REASONABLE EXPLANATION OF WHY AUXILIARY DUTIES NECESSARY MISSION SHOULD SEEK BUT NEED NOT INSIST UPON AGREEMENT FOR SHORTER WAIVER (6 MONTHS) PENDING GOI CLARIFICATION OF ITS POLICY WITH RESPECT TO

CONTINUANCE AND JUSTIFICATION OF AUXILIARY DUTIES. IF THIS TESTING OF WATERS REVEALS THAT OUR POSITION MAY BE UNTENABLE, MISSION IS REQUESTED TO SEEK FURTHER INSTRUCTIONS. KISSINGER

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